

## REMARKS

This paper is submitted in response to the pending Office Action mailed on December 2, 2005. Because this response is submitted with a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened period for reply set to expire on **March 2, 2006**, this amendment is timely filed.

### I. STATUS OF THE CLAIMS

Prior to this response, claims 1 to 8 and 10 to 14 were pending, with claim 3 having been withdrawn. By this response, claims 1 to 8 and 10 to 14 have been canceled without disclaimer, and new claims 16 to 27 have been added to clarify the subject matter for which protection is sought. The new claims have been added to ensure clarity and consistency and redefine subject matter inherently disclosed in the original, now canceled, claims. It should be noted that these new claims have not been added to address any pending rejection or other statutory deficiency. Because the new claims contain the same number of independent claims (4) and dependent claims (8) as those previously pending and paid for, Applicants submit that no additional claim fees are due in connection with this application. Thus, claims 16 to 27 are pending and at issue in this application. Applicants expressly reserve the right to prosecute and argue the patentability of canceled claims 1 to 8, 10 to 14 in one or more continuing applications.

While Applicants believe that no additional fees are due in connection with this application, Applicants respectfully request that **Deposit Account No. 02-1818** be charged for any fees deemed owed during the pendency of this application, excluding the issue fee.

### II. CLAIMS REJECTIONS

The Office Action rejects claims 1, 2, 4 to 14 as anticipated<sup>1</sup> by U.S. Patent No. 4,734,568 to Watanabe et al. ("*Watanabe I*") and/or U.S. Patent No. 4,849,614 to Watanabe et al. ("*Watanabe II*"). In light of the cancellation of claims 1, 2, 4 to 14,

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that the pending rejections have been rendered moot. Moreover, Applicants respectfully submit that neither *Watanabe I* nor *Watanabe II* anticipates new claims 16 to 27. In particular, new independent claims 16, 20, 25 and 26 recite, in relevant part, a method or apparatus for information processing that includes a memory having a first area for storing data and a second area allocated, based on the actual amount of information stored, within an unused portion of the first area. In other words, the allocated size and space within memory area is configured dynamically based on the actual size of the information stored or to be stored. This dynamic allocation results in better memory utilization and efficiency.

Neither *Watanabe I* nor *Watanabe II* discloses such a system. *Watanabe I* simply discloses an IC card that includes a memory area in which the record length and number of records is retained as index information. See *Watanabe I* at col. 3, lines 31 to 48. Similarly, *Watanabe II* discloses a composite IC card that includes storage area in which predesignated bytes (i.e., the 6<sup>th</sup> and 7<sup>th</sup> bytes, respectively) identify the record length and number of records available in the storage area. In other words, both *Watanabe I* and *Watanabe II* simply disclose systems that track how long or how much information is in a record, but do not, at any level, dynamically allocate storage space to these records based on the length or amount of the information in the record to be stored. As a result, both *Watanabe I* and *Watanabe II* suffer from the same storage inefficiency as discussed in the present application on page 2, lines 3 to 10.

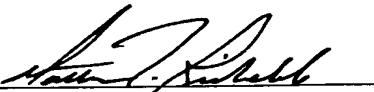
Because neither *Watanabe I* nor *Watanabe II* disclose, teach or suggest each and every element set forth in the claim, these references cannot anticipate or render obvious any of the pending claims 16 to 27.

### III. CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

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